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peace must necessarily mean, it would be necessary to revise this section of our Constitution.

Our ninth reason rests upon article 2, section 2, of our Constitution, which provides that "the President of the United States shall have power, by and with the consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." Since it has been held that the treaty-making power does not extend to the point of destroying the fundamental laws of the land, that a treaty to annihilate the sovereignty of the American people or to deprive them of their constitutional powers would be void, it would be necessary to change our Constitution here also before we could expect the United States Senate to ratify by a two-thirds vote any plan which contemplates such a fundamental change in our whole political structure as proposed in this covenant to enforce peace. Before such an international alliance could be approved by the United States it would, therefore, be necessary to change the Constitution probably in other, but certainly in these four, particulars.

Our tenth reason is that the proposed alliance to enforce peace comes before us upon the assumption that the people of the United States, through their representatives in the United States Senate, can be prevailed upon to accept a scheme which will thus materially curtail the constitutional prerogatives of Congress, subordinate that body to an alliance known to be inconsistent with the Constitution of the United States, and change both in fact and in theory the form and substance of this great, successful American Republic.

Our eleventh reason is that the advocates of such an international organization of force as a means of restricting wars do not seem to realize that the whole conception of it is very old, and that it has never been seriously or popularly received. Mr. Wilson himself says that "it is a new doctrine in world affairs." And yet there were the "Greek councils"; there was Dante's proposal of world federation backed by force in the 14th century; there was the Great Design, attributed to Henry IV of France, embodying the same principles, in 1601; there was, a few years later, Hugo Grotius suggesting the importance of "certain congresses of Christian powers in which the controversies among some of them may be decided by others who are interested, and in which measures may be taken to *compel the parties* to accept peace upon equitable terms"; there was William Penn's plan of 1693, proposing an international force for the maintenance of peace in Europe; there were Saint Pierre and Jean Jacques Rousseau with similar plans in the early 18th century; there was Robert Stewart, better known as Viscount Castlereagh, who went to the Congress of Vienna, 1814-1815, for the purpose of establishing an armed

concert of Europe. The proposal seems, therefore, to be both old and discredited.

Our twelfth reason is, not that such a plan strikes at the heart of the Monroe Doctrine; not that it does violence to our ancient policy of avoiding entangling alliances—we could well afford to give up both of these for the peace of the world—but it is that an international force such as is here contemplated makes the solution of the problem of war more difficult by subverting the logic of history, by complicating the whole situation with a threatening factor quite unknown and quite unnecessary; for, again to quote Mr. Madison, "the practicability of making laws, with coercive sanctions, for the States as political bodies had been exploded on all hands."

Our thirteenth reason is that the advocates of such an international menace ignore the fact that it is not fear, but justice, that paves the way for peace; that it is not chimeras, but the centripetal forces of an enlightened self-interest, that really count, personally, nationally, internationally—a self-interest sufficiently enlightened to place rights and duties in harmonious relation.

And, finally, our fourteenth and last reason is that it is the efficiency of public opinion, generally granted to be the ultimate executive force behind all law, that executive to which Cicero referred as "Queen of the World," which must be relied upon to organize the nations unto their peace and safety. Cardinal Fleury, prime minister to Louis XV of France, when presented with the scheme for world peace proposed by Saint Pierre, is said to have pleasantly remarked, that the document should have a preliminary article providing for the education of missionaries "to dispose the hearts of the princes of Europe to submit to such a diet." This discriminating suggestion of the experienced prime minister seems to suggest still further the insurmountable difficulties in the way of establishing any hopeful international alliance to enforce a world peace.

## THE PRESIDENT'S MISTAKE

WE ARE forced to think on Mr. Wilson's mistakes, not because Mr. Wilson makes them, but because they have threatened the thing with which we are most vitally concerned, namely, an effective Society of Nations. While the President's mistakes have been very many, there is one outstanding and particularly harmful. We do not refer to his extra-constitutional assumption of the duties of a plenipotentiary at Paris. We do not refer to his inexcusable attempt to differentiate between "legal" and "moral" responsibilities. We do not refer to his fallacious reasoning in the interest of an impossible League to Enforce Peace. We are not

thinking of the self-contradictory and inconsistent interpretations of the Covenant which Mr. Wilson has given to us from time to time. We are willing for the present to close our eyes to his astonishing statement that this was a "people's treaty," and that we must "take it or leave it." What we are thinking of here is his inexcusable attitude toward the United States Senate.

The President, showing his repeated irritation at the United States Senate, was not in a dignified position. The United States Senate is a body of elected representatives of the people of this land, and its inquiry into the nature of this wrongfully named League of Nations was in direct fulfillment of its duty under the terms of the United States Constitution. In their representative capacity, the members of the Senate had a right and a duty to inquire into the nature and origin of the treaty; into the documents, published or secret; into the diplomatic methods, records, and negotiations; for without these facts the members of the Senate could not have placed the responsibility for the terms of the treaty, given their "advice" or "consent," nor have planned with wisdom the nation's international policy. That the United States Senate did inquire into the history and significance of the policy proposed by this treaty constituted a most fundamental thing in liberal foreign policy, for it was the only means by which the people of the United States could have spoken through their representatives and come to a meeting of minds. For the President to ignore and deride the Senate was as unnecessary as it was unwise, futile as it was inexcusable.

The United States Senate has rendered a service to the Society of Nations that is yet to be. The "reservations" revealed no opposition to the principle of a Society of Nations. Indeed, from our point of view, they showed a sentiment quite the contrary. They would have made a real League possible. True, they eliminated certain alleged terrifying "guarantees" and removed from our list of duties the doleful task of administering the treaty with Germany. And now, by rejecting the impossible thing, the Senate has left the way open for a legislative Conference of all the Nations to the up-building of international law and equity in conformity with tried and familiar methods.

We have pointed out from time to time that a league to enforce peace is a contradiction in terms. The proposed Covenant of the League of Nations as originally submitted to the Senate would have established a league to enforce peace and increased the possibilities of war. The changes proposed by the Senate would have removed from the League this unthinkable element of force, excused America from an irretrievable commitment to the extreme policy of the treaty, and paved the way for

a real society of nations based upon the consent of all. The great error of the President lay in his failure to see this. Having failed in this, his treaty, so far as the United States is concerned, is dead. It is better so.

## FIRST BY LEGISLATION

IF WE are to follow the lamp of experience, any successful international organization for the maintenance of peace between the nations must begin with legislation. The details of procedure would be very simple. All the nations would send duly accredited delegates to a common conference, where they together, as a result of discussion, would draft in definite language rules of law relating to concrete needs and situations. After adoption by the conference, these proposed statutes would be laid before the respective powers for ratification. If ratified, the proposed statutes would then become law for all ratifying nations. By the means of such laws, passed and ratified in such ways, other international organs may be set up as time may prove to be necessary. This method of going about the business is not only simple, but it has been successfully tried by a thousand and one different international organizations, particularly by The Hague conferences.

By such a method no insuperable difficulties, such as confront us anent the proposed League of Nations, could possibly arise. We have no doubt that this is the reason why Senator James A. Reed, of Missouri, speaking in the United States Senate February 26, 1920, said: "I unhesitatingly declare that the instrument that was proposed by the *American Peace Society* could be passed in the Senate in one day's time." Senator Reed was referring to the declaration of principles adopted by this Society and run continuously on the inside of the front cover of this magazine since America entered the war. Indeed, the Senator incorporated our International Program of Peace Through Justice in his address. In his speech, which consumed nearly the entire session, the Senator also pertinently remarked:

"Mr. President, I have referred in the preceding remarks to the principle advocated by the *American Peace Society*, not because it was the only organization advocating the principles referred to, but on account of its activity and importance. It is proper to add that the principles by it advanced were those which have been upon the tongues and pens of distinguished men of this and other countries for many years. They were the principles sought to be wrought in agreement at The Hague Convention, where the foundations were laid for their ultimate acceptance. Scarcely a modern writer of note or recognized thinker ever went beyond those principles up to the very time the President departed for Europe. From all that was said prior to the closing of the doors of the peace conference, when the doc-